

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
RSW920040039US1

In re Application of: John Michael Lake

Application No.: 10/801,369

Filed: 03/16/2004

For: Determining Software Complexity

The owner\*, INTERNATIONAL BUSINESS MACHINES CORP, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 11/853,017, filed on 09/10/2007, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 46,530

  
Signature

03/27\*2009  
Date

Steven E. Bach  
Typed or printed name

610-353-3475  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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